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Appl. No. 09/757,342
Appeal Brief Dated September 12, 2005
Reply to Office Action of January 11, 2005



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Attorney for Applicant(s)

PATENT APPLICATION
Docket No. SLA0323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Andrew Ferlitsch et al.)	
)	
Serial No.:	09/757,342)	
)	
Filed:	January 9, 2001)	
)	
For:	SYSTEMS AND METHODS FOR)	Group Art
	MANIPULATING ELECTRONIC INFORMATION)	Unit: 2176
	USING A THREE-DIMENSIONAL ICONIC)	
	REPRESENTATION)	
)	
Examiner:	Paul H. Nguyen Ba)	

APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An Office Action dated January 11, 2005 rejected all claims (claims 1-26) in the present application. A Notice of Appeal was transmitted by facsimile on April 11, 2005. Appellants' Appeal Brief is being filed herewith.

1. REAL PARTY IN INTEREST

The real party in interest is the assignee, Sharp Laboratories of America, Inc.

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2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

3. STATUS OF CLAIMS

All claims, 1-26, stand rejected.

Claims 1, 3-5, 7-9 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kreitman et al, U.S. Patent No. 5,303,388 (hereinafter, "Kreitman"). Claims 2, 10-12, 14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitman in view of Hahn et al, U.S. Patent No. 5,751,287 (hereinafter "Hahn"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitman in view of Microsoft Windows NT, version 4.0 ("Microsoft"). (c) 1981-1999 Microsoft Corp. Claims 13, 18, 19, 22, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitman in view of Lucas et al, U.S. Patent No. 5,905,992 (hereinafter "Lucas") and further in view of Coleman et al, U.S. Patent No. 6,262,732 (hereinafter "Coleman"). Claims 20, 21, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitman in view of Lucas and further in view of Hahn.

Appellants appeal the rejections of claims 1-26.

4. STATUS OF AMENDMENTS

An amendment was filed on March 11, 2005 in response to the final rejection mailed on January 11, 2005. An advisory action was mailed on April 1, 2005 indicating that the amendments would not be entered for the purposes of appeal.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the presently-claimed invention comprise methods and systems for employing the use of an icon in a graphical user interface (GUI) running on a computing device.

In independent method claim 1, the icon comprises a three-dimensional object image representing a document page having an edge and an active region, which, when selected (such as with a pointing device), activates a document editing function. An exemplary icon is shown as item 10 in figures 1, 3, 4 & 5. These icons may comprise one or more edges 54, 56; a face 52; a

function tab 58, 60 or other elements that comprise active regions, which can be selected to activate editing functions.

In independent method claim 13, the icon comprises a series of three-dimensional object images having a face and at least one edge. The images are arranged in overlapping, adjacent, successive order with the edges visible in this order. Each of the object images represents a page in the document represented by the icon. Again, a face, edge or tab on the images may comprise an active region tied to a document manipulation function. These embodiments are illustrated in Figures 6-12 and other figures. A description of these embodiments is found on page 10, line 7 to page 11, line 17 and elsewhere.

In independent method claim 18, the icon comprises a series of three-dimensional object images displayed in adjacent succession wherein each of the object images has a visible exterior edge and each of the images is associated with a different selectively displayable image. The icon also comprises a function bar proximal to the images while the images and function bar may comprise active regions that activate a document editing function. The icon with function bar feature is illustrated in Figures 6-15E as function or scroll bar 90, 122, 142, 186 and elsewhere. This function bar or scroll bar feature is described on page 10, line 26 to page 11, line 17; page 12, lines 9-18; page 13, lines 5-6 and elsewhere.

Independent apparatus claim 19 comprises the same limitations as method claim 13.

Independent computer-readable media claim 25 comprises the same limitations as method claim 13.

Independent propagated signal claim 25 comprises the same limitations as method claim 13.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 3-5, 7-9 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Serial No. 5,303,388, by Kreitman et al.

II. Claims 2, 10-12, 14, 16 and 17 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 751,287 by Hahn et al.

III. Claim 6 has been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of Microsoft® Windows NT, version 4.0 (Microsoft) © 1981-1999 Microsoft Corp.

IV. Claims 13, 18, 19, 22, 25 and 26 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 905,992 by Lucas et al, in further view of Coleman et al. ("Coleman"), U.S. Patent No. 6,262,732.

V. Claims 20, 21, 23 and 24 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 905,992 by Lucas et al., in further view of U.S. Patent No. 5, 751,287 by Hahn et al.

7. ARGUMENT

Claims 1, 3-5, 7-9 and 15 have been rejected under 35 U.S.C. §102(b)

The examiner has rejected claims 1, 3-5, 7-9 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Serial No. 5,303,388, by Kreitman et al. This rejection is improper in that it fails to present a prima facie case of anticipation.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (July 1998) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 (July 1998) (citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 recites the element of "activating a document editing function in response to a user input on said at least one active region." Kreitman et al do not teach this element. The examiner cites Kreitman et al (abstract; col. 3, lines 37-60) as disclosing this element. However, the abstract of Kreitman et al discloses a "a manipulable icon ... with multiple faces," which

“can be manipulated by a user to display different faces or views which provide additional information about the object represented by the icon.” Manipulation of the icon simply reveals additional faces that contain additional information that is not displayed on the primary icon face. There is no mention whatsoever of a document editing function as claimed in claim 1. In the specification of Kreitman et al (col. 3, lines 37-60) there is again no mention of a document editing function. At this location, cited by the examiner, there is a description of a “three-dimensional cubic manipulable icon with multiple selectable faces,” which allows a “user to alternatively view different types of information about the object and/or to display additional information about the object through manipulation of the icon.” Again, there is no mention of a document editing function at this location or any other in Kreitman et al.

Claims 2-12 are dependent on claim 1 and comprise all the elements therein. Accordingly, these claims are allowable for the same reasons as enunciated for claim 1. Applicant respectfully requests that the examiner’s rejection of claims 1-12 be reversed for the reasons stated above.

Claims 2, 10-12, 14, 16 and 17 have been rejected under 35 U.S.C. §103

Claims 2, 10-12, 14, 16 and 17 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 751,287 by Hahn et al. However, this rejection is improper in that it fails to present a prima facie case of obviousness.

To establish a prima facie case of obviousness, there must be more than the demonstrated existence of all of the components of the claimed subject matter. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the substitutions required. That knowledge cannot come from the applicants' disclosure of the invention itself. *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678-79, 7 USPQ2d 1315, 1318 (Fed. Cir. 1988); *In re Geiger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985).

Claims 2 & 14

In this rejection, the examiner relies on Kreitman et al as disclosing the elements of claim 1, on which claim 2 depends. This rejection is improper for the reasons stated above in relation to claim 1.

Claim 10

In this rejection, the examiner relies on Kreitman et al as disclosing the elements of claim 1, on which claim 2 depends. This rejection is improper for the reasons stated above in relation to claim 1.

The examiner further cites Hahn et al (Figs. 13A & 13B; col. 10, lines 7-34) as disclosing a print setting sheet. While Hahn et al disclose a common print window, with print configuration settings, that is common in any Windows application, Hahn et al do not disclose an independent icon with a print setting sheet. The icon (Fig. 5, 70) of the present invention provides more convenience and ease-of-use to a user and allows the user to have a more open desktop environment by incorporating a print setting sheet right into the icon as claimed in claim 10. This allows a user to select a print setting directly from the desktop icon rather than opening an application and a bulky interface window. Hahn et al do not disclose any icon "comprising a print setting sheet." This rejection is therefore improper in relation to Hahn et al as well.

Claims 11, 12 & 17

In this rejection, the examiner relies on Kreitman et al as disclosing the elements of claim 1, on which claims 11 & 12 depend and on which claim 17 depends through claim 9. This rejection is improper for the reasons stated above in relation to claim 1.

The examiner further cites Hahn et al (Figs. 4, 10 & 16) as disclosing "page scrolling functionality with the ability to represent a plurality of page ranges with independent scrolling controls." Figure 4 illustrates a common GUI window with two-dimensional icons. The window comprises scroll bars that are completely unrelated to any document or page range. Applicant fails to see any relation between Figure 4 and the rejected claim at all. Figure 10 is similar to Figure 4, but further illustrates additional windows with tabs related to files. Again, nothing is

disclosed in relation to page scrolling. Figure 16 illustrates a common GUI window that displays pages of a document along with what appears to be a scroll bar. The text related to Figure 16 (col. 11, lines 32-67) describes a common GUI window and suggests some navigation of the pages, but teaches nothing in this regard. Applicant concedes that some page scrolling feature is alluded to in relation to a full GUI window, however, claim 11 relates to a specific icon with page scrolling functionality. There is no teaching in Kreitman et al or Hahn et al to combine the features of a GUI window with an icon. Kreitman et al teach an icon that only displays document information. Hahn et al teach a common GUI window with a vague reference to a page scrolling feature. There is no teaching in either reference to combine the features of a full-size window with an icon. Accordingly, this rejection is also improper.

Claim 16

In this rejection, the examiner relies on Kreitman et al as disclosing the elements of claim 1, on which claims 16 & 17 depend through claims 9 & 11. This rejection is improper for the reasons stated above in relation to claim 1.

The examiner further cites Hahn et al (col. 11, lines 1-18 et seq.) as disclosing “page images [that] may be dragged and dropped to effectuate document page manipulation functions.” However, Hahn et al, at the cited location, disclose a drag and drop process for a “document icon” (col. 11, line 3) to accomplish file organization actions such as organizing files in folders. The examiner fails to make the distinction between a *document icon* and a *page image* as claimed in claim 16. A document icon can only be used for performing global document operations such a file organization, complete file deletion, file copying and moving and other functions that do not affect the structure or content of the file. None of these disclosed operations involve manipulation of actual pages within a file. The disclosed operations deal with the operating system’s representation of the file through it’s GUI and do not actually change or edit the file. The methods and systems of embodiments of the present invention, as claimed in claim 16 and other claims, provide *page* manipulation functions. Page manipulation or file

editing require actual changes to the file itself rather than the way the file is organized and represented in the GUI.

Kreitman et al and Hahn et al only disclose methods for organizing and representing files through icons or windows in a GUI. Claim 16, and other claims of the present invention, comprise actual *page* manipulation and representation of actual file *pages* in a manner that allows a user to manipulate document pages and actually change the file. Applicant calls attention to the fact that claim 16 comprises the element of “page images” that may be dragged and dropped from a user’s computer desktop through an icon to “effectuate document page manipulation functions.” This is not disclosed at any location in Kreitman et al, Hahn et al or other prior art. Accordingly, this rejection is also improper.

Claim 6 has been rejected under 35 U.S.C. §103

Claim 6 has been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of Microsoft® Windows NT, version 4.0 (Microsoft) © 1981-1999 Microsoft Corp. However, this rejection is improper in that it fails to present a prima facie case of obviousness.

In this rejection, the examiner relies on Kreitman et al as disclosing the elements of claim 1, on which claim 6 depends. This rejection is improper for the reasons stated above in relation to claim 1.

Claims 13, 18, 19, 22, 25 and 26 have been rejected under 35 U.S.C. §103

Claims 13, 18, 19, 22, 25 and 26 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 905,992 by Lucas et al, in further view of Coleman et al. (“Coleman”), U.S. Patent No. 6,262,732. However, this rejection is improper in that it fails to present a prima facie case of obviousness.

Claim 13, 19, 22, 25 and 26.

In this rejection, the examiner cites Kreitman et al (Figs. 6 & 7; col. 4, lines 51-66 et seq.) as disclosing “object images ...[and] active regions on said object images, said active regions capable of activating functions which manipulate said document in response to user input.” However, Kreitman, at the cited location, discloses a method of selecting a type of icon using a

standard drop-down menu bar common in GUI interfaces. The menu bar discussed in Kreitman et al is not even a part of the icon, but is part of the GUI desktop. Kreitman et al only disclose manipulation of the icon, not a document associated with the icon. Accordingly, Kreitman et al do not disclose an active region on an object image that is capable of activating functions which manipulate a document in response to user input, which is an element of claim 13. For this reason, this rejection is improper.

The examiner further cites Lucas et al as disclosing the element of "object images arranged in overlapping, adjacent, successive order ... each of said object images representing a page in a document. While Lucas et al may teach an overlapping, adjacent, successive order for a series of documents represented iconically, Lucas et al do not teach this order for pages within a document as claimed in claim 13. As such, this rejection is also improper on these grounds.

Claim 18

The rejection of claim 18 is improper for the reasons stated above in relation to claims 13, 19, 22, 25 and 26. Claim 18 also comprises the element of an active region associated with "a document editing function." This element further distinguishes from the prior art icons, which do not have active regions.

Claims 20, 21, 23 and 24 have been rejected under 35 U.S.C. §103

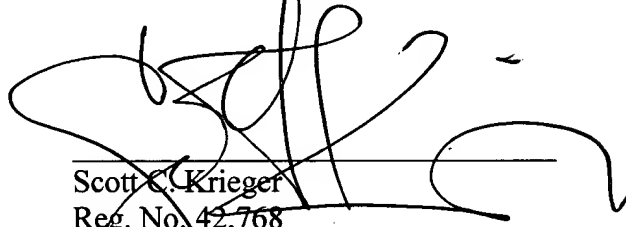
Claims 20, 21, 23 and 24 have been rejected under 35 U.S.C. §103 as being obvious over Kreitman et al. in view of U.S. Patent No. 5, 905,992 by Lucas et al., in further view of U.S. Patent No. 5, 751,287 by Hahn et al. However, this rejection is improper in that it fails to present a prima facie case of obviousness.

Claims 20, 21, 23 and 24 all depend on claim 19 and are patentable for the reasons stated above in relation to claim 19 for the disclosures of Kreitman et al and Lucas et al. The addition of Hahn et al to the combination does not disclose anything relative to the object images with active regions which manipulate a document in response to user input.

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Reversal of the Examiner's rejections and allowance of the pending claims is respectfully requested.

Respectfully submitted,



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Date: September 12, 2005

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CLAIMS APPENDIX

1. (previously amended) A method for editing computer documents through the use of an icon in a graphical user interface operating on a computing device comprising a display, a processing unit and an input device; said method comprising:
 - displaying an icon on said display, wherein said icon represents a document, said icon comprising
 - at least one three-dimensional object image representing at least one document page, each of said at least one object images having at least one edge, and
 - at least one active region on each of said object images, said active region capable of activating a function in response to user input through said input device; and
 - activating a document editing function in response to a user input on said at least one active region.
2. (original) The method of claim 1 wherein said icon further comprises at least one tab having at least one active tab region capable of activating a function in response to user input through said input device.
3. (original) The method of claim 1 wherein said three-dimensional object image comprises a reduced image of said document page.
4. (original) The method of claim 1 wherein said three-dimensional object image comprises a page image comprising descriptive portions of said document page.

5. (original) The method of claim 1 wherein said three-dimensional object image comprises a page image comprising a portion of said document page.
- 5 6. (original) The method of claim 1 wherein said three-dimensional object image comprises a page image comprising a summary of information contained on said document page.
7. (original) The method of claim 1 wherein said icon further comprises a page
10 image displayable from each object image, said page image displaying
recognizable elements of a document page represented by the object image to
which said page image is associated.
8. (original) The method of claim 1 wherein said icon further comprises a document
15 property sheet.
9. (original) The method of claim 1 wherein said icon further comprises a page
property sheet.
- 20 10. (original) The method of claim 1 wherein said icon further comprises a print
setting sheet.
11. (original) The method of claim 1 wherein said icon further comprises page
scrolling functionality.

12. (original) The method of claim 1 wherein said icon further comprises the ability to represent a plurality of page ranges with independent scrolling controls.

5 13. (original) A method for manipulating computer documents through the use of an icon in a graphical user interface operating on a computing device comprising a display, a processing unit and an input device; said method comprising:

displaying an icon comprising

10 a series of three-dimensional object images having a face and at least one edge, said images being arranged in overlapping, adjacent, successive order wherein portions of each of said edges are visible while said object images are arranged in said order, each of said object images representing a page in a document, and

15 active regions on said object images, said active regions capable of activating functions which manipulate said document in response to user input; and activating a function by selecting at least one of said active regions.

20

14. (original) The method of claim 9 wherein said object images further comprise tabs having at least one active tab region capable of activating a function in response to user input.

15. (original) The method of claim 9 wherein said object images comprise page images.
16. (original) The method of claim 11 wherein said page images may be dragged and
5 dropped to effectuate document page manipulation functions.
17. (original) The method of claim 9 wherein said icon further comprises a scrolling feature.

18. (previously amended) A method for manipulating computer documents through the use of a graphical user interface, said method comprising:
- 5 displaying an icon comprising a series of three-dimensional object images each of said object images displayed in adjacent succession and each of said object images having a visible exterior edge, each of said object images being associated with a different selectively displayable page image;
- displaying a page image, said page image comprising a visual representation of a document page;
- 10 displaying a function bar proximal to said series of object images; wherein said object images, said page images and said function bar comprise active regions which activate functions upon user input; and activating a document editing function by selecting at least one of said active regions.

19. (original) An apparatus for manipulating computer documents through the use of
an icon in a graphical user interface, said apparatus comprising:

a display;

5 a processing unit;

an input device;

an icon displayed on said display in cooperation with said processing unit
and said input device, said icon comprising

a series of three-dimensional object images having at least one

10 edge, said images being arranged in overlapping, adjacent,
successive order wherein portions of each of said edges are
visible while said object images are arranged in said order,
each of said object images representing a page in a
document, and

15 active regions on said object images, said active regions capable of
activating functions which ~~manipulate~~ edit content in said
document in response to user input.

20 20. (original) The apparatus of claim 19 further comprising a scroll object image for
scrolling document pages into representation by said object images.

21. (original) The apparatus of claim 19 further comprising a slidable scroll bar

22. (original) The apparatus of claim 19 wherein each object image comprises a
plurality of edges such that multiple sets of edges are arranged to represent
multiple page ranges of a document.

23. (original) The apparatus of claim 19 further comprising page images related to
each of said object image edges, said page images representing a page of said
document which is represented by the corresponding object image.

24. (original) The apparatus of claim 23 wherein said page images may be arranged in
an adjacent series configuration.

25. (original) A computer readable medium comprising instructions for manipulating computer documents through the use of an icon in a graphical user interface, said instructions comprising the acts of:

displaying an icon comprising

5 a series of three-dimensional object images having at least one edge, said images being arranged in overlapping, adjacent, successive order wherein portions of each of said edges are visible while said object images are arranged in said order, each of said object images representing a page in a
10 document, and

active regions on said object images, said active regions capable of activating functions which manipulate said document in response to user input; and

activating a function by selecting at least one of said active regions.

15

26. (original) A computer data signal embodied in an electronic transmission, said signal having the function of editing computer documents through the use of an icon in a graphical user interface, said signal comprising instructions for:

displaying an icon comprising

a series of three-dimensional object images having at least one edge, said images being arranged in overlapping, adjacent, successive order wherein portions of each of said edges are visible while said object images are arranged in said order, each of said object images representing a page in a document, and

active regions on said object images, said active regions capable of activating functions which manipulate said document in response to user input; and

activating a function by selecting at least one of said active regions.